

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Hena Zaman	Team: Team # 2	CCRB Case #: 200602643	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Monday, 02/27/2006 8:45 PM	Location of Incident: § 87(2)(b) (lobby area)	Precinct: 43	18 Mo. SOL 8/27/2007	EO SOL 8/27/2007	
Date/Time CV Reported Mon, 02/27/2006 9:20 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 03/01/2006 3:21 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. An Officer			
2. POM Dorian Thompson	27864	937625	H BX/Q
3. POM Wilson Verdesoto	26997	937685	H BX/Q
4. POM Courtney Thorpe	27890	937627	H BX/Q
5. POM Roberto Lafargue	19353	936898	H BX/Q

Officer(s)	Allegation	Investigator Recommendation
A.POM Dorian Thompson	Abuse: Police Officer Dorian Thompson stopped and questioned § 87(2)(b)	§ 87(2)(b)
B.POM Wilson Verdesoto	Force: Police Officer Wilson Verdesoto used physical force against § 87(2)(b)	§ 87(2)(b)
C.POM Roberto Lafargue	Force: Police Officer Roberto Lafargue used physical force against § 87(2)(b)	§ 87(2)(b)
D.POM Courtney Thorpe	Force: Police Officer Courtney Thorpe used physical force against § 87(2)(b)	§ 87(2)(b)
E.POM Dorian Thompson	Force: Police Officer Dorian Thompson used physical force against § 87(2)(b)	§ 87(2)(b)
F. An Officer	Abuse: An Officer damaged § 87(2)(b)'s property.	§ 87(2)(b)
G.POM Dorian Thompson	Discourtesy: Police Officer Dorian Thompson spoke obscenely and/or rudely to § 87(2)(b)	§ 87(2)(b)

Synopsis

On February 27, 2006, § 87(2)(b) exited § 87(2)(b) a NYCHA building, from the rear door and left it wedged open to prevent it from locking. § 87(2)(b) purchased a can of beer from a store located on Morrison Street and then visited his brother at the barbershop on his way back to the building. § 87(2)(b) then entered § 87(2)(b) through the rear door. PO Dorian Thompson approached § 87(2)(b) and asked him for his ID (allegation A) while four other officers stood beside him. § 87(2)(b) furnished his ID to PO2 and then was asked to display the contents in his pockets. As § 87(2)(b) placed the items back into his pocket, the officers instructed him not to place his hands in his pocket. PO2 then kicked § 87(2)(b) left ankle, swept him off of his feet and threw him to the ground. PO2 also kicked, stomped and punched § 87(2)(b) but § 87(2)(b) was unable to affirm if the other officers were participants (allegation B, C, D and E). § 87(2)(b) stated that when his ID was returned to him, it was broken in half (allegation F) and at the conclusion of the incident, PO Thompson told him to “get the fuck back onto the elevator.” (allegation G) § 87(2)(b), § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Summary of Complaint

§ 87(2)(b) was interviewed at § 87(2)(b) on February 28, 2006 by Group 9 (enc.8a-b) and was then interviewed by Group 54 (enc.9a-b) in front of § 87(2)(b) on the same day. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(b) aunt, § 87(2)(b), originally filed her complaint on behalf of § 87(2)(b) to IAB on February 27, 2006 (enc. 7a-b). The case was then referred to the CCRB on March 1, 2006. § 87(2)(b) was interviewed at AMKC on March 28, 2006 (enc. 13a-c). § 87(2)(b) did not remember the date of the incident but stated that it occurred on a Monday at approximately 7:00-9:00PM, a couple of days after he was arrested by PO Thompson (this would have made the incident date 2/27/06). On the date of the incident, § 87(2)(b) was wearing a gray jacket, a black shirt and had a gray hat on. § 87(2)(b) exited his building located at § 87(2)(b) from the rear staircase door. § 87(2)(b) explained that there is no cylinder to open the door with the key and since it can only be pushed opened from the inside, he propped an object in between the door so it would stay unlocked. § 87(2)(b) proceeded to walk to a store located on 172nd and Morrison Streets and purchased a can of Cobra beer. § 87(2)(b) added that he had consumed one beer before he went to the store. On his way back to the building, § 87(2)(b) went into the barbershop and spoke with his brother for a few minutes and then left. At this point § 87(2)(b) was carrying the sealed can of beer in his right jacket pocket and proceeded to enter the building through the rear door.

When § 87(2)(b) walked inside, he noticed PO Dorian Thompson standing in the lobby with four other officers (identified as PO Lafargue, PO Thorpe and PO Verdesoto during CCRB investigation; a fifth officer was not at the location) whom he described as hispanic males in uniform. § 87(2)(b) denied that he was drinking the beer and did not have his hands in his pockets. § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

PO Thompson told § 87(2)(b) “I’m not your friend, just your arresting officer” and then asked him for his ID and wanted to know what he was carrying in his pockets. § 87(2)(b) furnished his employee ID and his wallet and then took the beer out of his pocket and displayed it to the officers. PO2 wrote down § 87(2)(b) information from his ID onto a pad. § 87(2)(b) then placed the items back into his pockets and took his hands out. The officers yelled, “Take your hands out of your pockets!”

At this point, PO2 grabbed § 87(2)(b) jacket, pushed him in the chest, kicked his left ankle and then swept him off of the floor. § 87(2)(b) landed on his back and curled up into a fetus position, shielding his face with his arms. PO2 landed on § 87(2)(b) chest. § 87(2)(b) began to yell for his neighbor, § 87(2)(b) who

resides in apartment § 87(2)(b), to come out. § 87(2)(b) briefly opened his door and then went back inside. PO Thompson and PO2 continued to stomp § 87(2)(b) left ankle, kicked him in the stomach and pushed him around. § 87(2)(b) explained to Group 9 that he was kicked by an unidentified officer but later told Group 54 that he had no recollection of any officer kicking, stomping or hitting him. Since § 87(2)(b) was covering his face, he was unable to tell if other officers were participants and denied that he fought back. At some point, a tenant from apartment § 87(2)(b) also witnessed the incident when he got off of the elevator. PO2 picked § 87(2)(b) off of the floor and returned his ID to him at which point § 87(2)(b) realized that his § 87(2)(b) employee ID was broken in half. § 87(2)(b) did not know when this happened but when he brought it to the officers' attention, he was ignored. PO Thompson instructed § 87(2)(b) to get the "fuck" back onto the elevator. The incident lasted approximately 4-6 minutes. The officers did not call for back up and never informed § 87(2)(b) why he was stopped. § 87(2)(b) stated that the officers did not interact with the witnesses. § 87(2)(b) did not receive a summons.

§ 87(2)(b) complied with the officer's instructions and went to his apartment. He immediately told his mother § 87(2)(b) about the occurrence. They both went downstairs and saw the officers exit the building through the rear door. § 87(2)(b) stated that he had reconstructive surgery on his left ankle § 87(2)(b) and as a result of the physical force that was used against him, the scar on his ankle was bleeding. Shortly after the incident, § 87(2)(b) called an ambulance and went to § 87(2)(b) and was released § 87(2)(b). § 87(2)(b) was interviewed by IAB at the hospital and at his residence the next afternoon. IAB also interviewed several witnesses. § 87(2)(b) stated the he might be able to recognize the officers through photos.

Results of Investigation

Efforts to Locate and Interview Witnesses

Witness information was obtained from the IAB case file and from § 87(2)(b). § 87(2)(b) stated that a tenant by the name of § 87(2)(b) who resides in apartment § 87(2)(b) witnessed the incident. Metrosearch produced a telephone number for that apartment under the name of § 87(2)(b). On April 20, 2006, a phone call was placed to that number which was met with the operator's recording that the number was disconnected. Metrosearch also produced a telephone number for a § 87(2)(b) residing at § 87(2)(b) and on April 20, 2006, a phone call was placed to the number which was also met with the operator's recording that the number was disconnected.

On April 25, 2006, a canvas was conducted at § 87(2)(b). § 87(2)(b) had no answer and contact letters were left for the occupants (enc. 31c). A female by the name of § 87(2)(b) from apartment § 87(2)(b) stated that she was not aware of the incident. An attempt was also made to locate § 87(2)(b) from apartment § 87(2)(b) but there was no answer and a letter was left for the occupant. To date, no one responded to the letters that were left for the occupants in the apartments listed above.

§ 87(2)(b) was interviewed at the CCRB on April 18, 2006 (enc. 15a-d). § 87(2)(b) stated that on February 27, 2006, between 7:00PM to 8:00PM, he was exiting the elevator of § 87(2)(b). At this time, § 87(2)(b) observed PO1 (Hispanic male in uniform), PO2 (male white in uniform) and PO3 (male hispanic with two stripes on sleeve) standing towards the right of the elevator and PO4 (male black in uniform) was standing at the other side of the elevator. § 87(2)(b) explained that § 87(2)(b) seemed faint because he was stumbling and his eyes were shutting but § 87(2)(b) was unable to tell if § 87(2)(b) was intoxicated. § 87(2)(b) did not see § 87(2)(b) holding anything in his hands. PO1 grabbed § 87(2)(b) left elbow in an attempt to either help him get onto the elevator or to prevent him from getting on. § 87(2)(b) arm swung back but § 87(2)(b) was unable to tell if § 87(2)(b) flailed his arm or if PO1 pulled it back. At this point, PO4 was laughing but none of the officers had physical contact with § 87(2)(b). § 87(2)(b) did not hear any interaction between the officers nor did the officers say anything to him. § 87(2)(b) did not see any tenants open their apartment doors and did not hear § 87(2)(b) scream at any point.

§ 87(2)(b) eventually got onto the elevator but the officers did not join him. § 87(2)(b) left the building after about a minute and when he returned 45 minutes later, he saw § 87(2)(b) again. § 87(2)(b) told him that

the officers beat him up and added that he just got out of the hospital a couple of days ago after being treated for a broken foot. § 87(2)(b) said that the officers asked him for his ID, which he furnished. § 87(2)(b) displayed a plastic laminated ID to § 87(2)(b) and said that one of the officers broke it. § 87(2)(b) explained that the ID was broken up into four pieces. § 87(2)(b) complained that his ribs and left shoulder hurt but did not specify where the officers hit him. § 87(2)(b) noticed that § 87(2)(b) was wearing a cast on his right foot but did not complain of any pain on his foot. On February 28, 2006, § 87(2)(b) saw § 87(2)(b) again. § 87(2)(b) told § 87(2)(b) that he was going to file a complaint and that IAB would probably want to speak with him. § 87(2)(b) also told § 87(2)(b) that “§ 87(2)(b) from the § 87(2)(b) floor witnessed the incident as well. § 87(2)(b) was eventually interviewed by IAB.

§ 87(2)(b)

§ 87(2)(b), also known as § 87(2)(b), was interviewed at § 87(2)(b) on April 25, 2006 (enc.14a-c). § 87(2)(b) stated that on February 27, 2006 at approximately 8:45PM, he was in his bedroom watching TV when he heard someone screaming in the lobby. § 87(2)(b) thought that someone was in trouble so he grabbed his machete, peeked out the door and saw 4-5 officers standing in the hallway while PO1, a 30-year-old male black in uniform, was “stomping” § 87(2)(b) legs. § 87(2)(b) explained that § 87(2)(b) was lying on his back in front of the elevator, shielding his face with his hands, trying to block the officers from hitting him and had his legs spread out. The officers were kicking him at which point an unidentified black male entered the building and the officers told him to leave. PO1, while kicking § 87(2)(b) said “I told you to take your hands out of your pockets” to which § 87(2)(b) replied, “I had my hands on my pocket and was just waiting for the elevator.” PO1 § 87(2)(b) was instructing § 87(2)(b) not to move. § 87(2)(b) went back into his apartment.

After a few minutes § 87(2)(b) still heard the commotion outside so he opened his door again and saw that § 87(2)(b) was still being attacked and was screaming, “Help me, help me!” while lying on the floor. An officer, who was standing closest to § 87(2)(b)s door, was going through § 87(2)(b) coat pockets but § 87(2)(b) was unable to see what § 87(2)(b) was carrying and if the officers retrieved anything. § 87(2)(b) noticed that § 87(2)(b) right ankle was bleeding. An officer also kicked § 87(2)(b) hip but § 87(2)(b) could not affirm which officer this was. § 87(2)(b) was unable to describe the other officers but affirmed that they were all males in uniform. § 87(2)(b) was only able to affirm that PO1 was using physical force against § 87(2)(b) and wasn’t sure if the others were participants.

Officer Statements

§ 87(2)(g) Below are their combined statements.

PO Dorian Thompson was interviewed at the CCRB on June 9, 2006 (enc.17a-b). PO Courtney Thorpe and PO Roberto Lafargue were interviewed on June 19, 2006 (enc.19a-b and 22a-b) and PO Wilson Verdesoto was interviewed on June 21, 2006 (enc.21a). On February 27, 2006 the above officers all worked from 6:00PM to 2:35AM and were dressed in uniform. The officers were assigned to the Bronx River Houses foot post. The following are their memo book entries with the exception of PO Thorpe who did not have his memo book during his CCRB interview-

PO Dorian Thompson: “1940 One male entered through rear without key. Was told repeatedly not to put hands in his pockets. He did not cooperate resisted tried to pull hands out pocket and through resistance § 87(2)(b) fell on ground. Small metal object fell out of his pocket.” PO Verdesoto: “2005: Omitted delayed entry person stopped @ § 87(2)(b). for coming in through the rear entrance person was not cooperating with our orders person was put to the ground for our safety. He kept reaching in his pockets after us telling him to remove his hands from his pocket, he appeared to have an object in his pocket.” PO Lafargue: “1940: Male stop @ § 87(2)(b) for § 87(2)(b). Def’t § 87(2)(b) Advised def’t not to reach into his pocket for possible weapon and disobey order.”

PO Verdesoto, PO Lafargue and PO Thorpe were standing in the lobby of § 87(2)(b) while PO Thompson was standing closer to the rear door. § 87(2)(b) gained entry into the building by utilizing the rear door without using keys. The officers explained that occupants are not allowed to utilize the rear door to gain entry into the building and have to come in through the front door. The rear door is usually locked but people usually prop items in between the door, preventing it from closing so they can come back in. PO

Thompson asked § 87(2)(b) if he lived in the building and asked him to produce his ID. § 87(2)(b) stated that he did not have any ID on him so he verbally provided his name to the officers. § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

According to the officers, § 87(2)(b) was not carrying anything in his hands and was not asked to display items that he had on his person. The officers did not see § 87(2)(b) with any keys or an alcoholic beverage. § 87(2)(b) kept on reaching for his left pants pocket while the officers were trying to determine if he lived in the building. PO Thompson asked § 87(2)(b) if he lived in the building and he replied that he was going to visit a family member. PO Thompson asked § 87(2)(b) for his ID but § 87(2)(b) did not furnish it. § 87(2)(b) was fidgeting and continuously was reaching for his left pants pockets. The officers instructed § 87(2)(b) numerous times not to place his hands in his pocket. PO Thorpe and PO Lafargue observed a bulge in the left pocket and described his bulge as a cylindrical pipe that was 4-5 inches long. § 87(2)(b) initially complied but while the officers were questioning him, he would reach over for his pocket. § 87(2)(b) was instructed another time to keep his hands where the officers could see them. § 87(2)(b) did not comply and placed his hand in his left pocket at which point PO Thorpe and PO Verdesoto both grabbed § 87(2)(b) left hand and gained control of it. PO Thompson and PO Lafargue then gained control of § 87(2)(b) other arm. § 87(2)(b) resisted and struggled with the officers and as a result, § 87(2)(b) and the officers fell to the floor. PO Verdesoto slowly pulled out § 87(2)(b) hand while PO Thompson held onto § 87(2)(b) feet since he was kicking and screaming. A small metal cylindrical pipe, approximately 5 inches long, fell out of § 87(2)(b) pocket.

The officers lifted § 87(2)(b) off of the floor. They denied that they used physical force against § 87(2)(b) other than grabbing his arms and feet to restrain him. The officers stated that they did not stomp or kick any part of § 87(2)(b) body. The officers explained to § 87(2)(b) why they stopped him and also informed him that a stop and frisk report would be prepared. The officers also told § 87(2)(b) that he needed keys to gain entry into the building otherwise he would probably be “stopped all the time.” PO Verdesoto added that § 87(2)(b) seemed to be under the influence of drugs because his eyes were red, he was sweating and his speech was a little “awkward.” The officers did not get injured during the incident. PO Thorpe and PO Lafargue stated that one of § 87(2)(b) family members came out of the elevator and confirmed that § 87(2)(b) was in the building to meet his family. § 87(2)(b) did not receive any summonses. PO Verdesoto and PO Thorpe believed that PO Thompson prepared the stop and frisk report. PO Lafargue stated that either PO Thompson or PO Verdesoto prepared the stop and frisk report. PO Thompson was unable to affirm this and stated that one of his partners prepared one. § 87(2)(b) did not have any visible injuries and did not complain of any injuries either. § 87(2)(b) went back onto the elevator and no officer used any profanities. § 87(2)(b) never produced his ID and therefore no officer had an independent recollection of it being broken in half.

A supervisor from PSA8 responded to the location that evening and spoke with § 87(2)(b) mother § 87(2)(b)

Police Documents

The Housing Tactical Unit roll call (enc.24a-b) revealed that PO Thompson, PO Verdesoto, PO Lafargue and PO Thorpe were assigned to the Bronx River Houses from 6:00PM to 2:35AM. The stop and frisk log did not produce any results for § 87(2)(b) and the officers interviewed in connection with this case were not noted on the log. The reports were unable to be located by the officers’ command, PSA8, the 43rd or the 47th Precincts (enc.25a-d).

Medical Records

§ 87(2)(a)

§ 87(2)(a)

§ 87(2)(a)

§ 87(2)(a)

§ 87(2)(a)

CCRB Histories

Officers

In their first year on the force, PO Dorian Thompson (enc.2a), PO Verdesoto (enc.5a), PO Roberto Lafargue (enc.3a) and PO Courtney Thorpe (enc.4a) do not have any substantiated allegations in their CCRB history.

§ 87(2)(b) (enc.6a)

§ 87(2)(b) has not filed any prior CCRB complaints.

Criminal Conviction History

§ 87(2)(g)

[REDACTED]

[REDACTED]

Conclusions and Recommendations

Officer Identification

§ 87(2)(b) identified PO Thompson as his arresting officer from February 24, 2006 however PO Thompson confirmed that he was not the arresting officer and was only part of the transportation team. BADS (enc.26a) revealed that PO Jovanny Calderon was the arresting officer and was not at the incident location on February 27, 2006. § 87(2)(b) stated that there were 4 additional officers with PO Thompson, however through roll call and officer testimony, it is clear that only PO Lafargue, PO Thorpe and PO Verdesoto were working with PO Thompson. § 87(2)(g)

[REDACTED]

Undisputed Facts

It is not in dispute that PO Thompson questioned § 87(2)(b) and that the officers used physical force to prevent § 87(2)(b) from removing his hand from his pocket. § 87(2)(b), § 87(2)(g)

[REDACTED]

Credibility

§ 87(2)(b)

§ 87(2)(b), § 87(2)(g)

[REDACTED]

[REDACTED] In his statement to the initial IAB investigating officers from Group 9 (enc.8a-b), § 87(2)(b) stated that an officer swept him off of his feet onto the ground and was then kicked by unidentified officers. In his statement to Group 54 (enc.9a-b), § 87(2)(b) stated that his legs were swept out from underneath him and he was brought to the ground by his jacket at which point an unknown officer placed his knee on § 87(2)(b) chest. § 87(2)(b) was later told by § 87(2)(b) and an occupant from the § 87(2)(b) floor (later identified as § 87(2)§ 87(2)(b) that the officers kicked and

punched him, however § 87(2)(b) told Group 54 that he did not have an independent recollection of any officer ever hitting, striking or kicking him. § 87(2)(g) in his CCRB statement, § 87(2)(b) stated that an officer kicked him, pushed him and stomped his ankle but failed to mention that the witnesses brought this to his attention. § 87(2)(b), § 87(2)(g)

§ 87(2)(b) and § 87(2)(b)

Both § 87(2)(b) and § 87(2)(b) stated that they observed an injury on § 87(2)(b) right foot. § 87(2)(g) § 87(2)(b) did not witness the officers curse at § 87(2)(b) at the conclusion of the incident and he also stated that § 87(2)(b) ID was broken into four pieces whereas § 87(2)(b) claimed it was broken in half.

Officers

§ 87(2)(g)

Allegation A: Police Officer Dorian Thompson stopped and questioned § 87(2)(b)

§ 87(2)(b) entered § 87(2)(b) which is a NYCHA building, through the rear door and as a result, PO Thompson stopped and questioned him. According to the officers, occupants of the building are to utilize the front door to gain access into a NYCHA building. In Patrol Guide procedure 212-60 regarding interior vertical patrol of housing authority buildings states that, “uniformed members of the service are to be alert for persons loitering within the buildings, or suspicious conditions.” Also, “when inspecting Housing Authority buildings, members of the service shall take note of unauthorized persons remaining in lobbies, basements, staircases, roof landings and take appropriate police action when necessary.” (enc. 1a)

§ 87(2)(b), § 87(2)(g)

Allegation B: Police Officer Wilson Verdesoto used physical force against § 87(2)(b)

Allegation C: Police Officer Roberto Lafargue used physical force against § 87(2)(b)

Allegation D: Police Officer Courtney Thorpe used physical force against § 87(2)(b)

Allegation E: Police Officer Dorian Thompson used physical force against § 87(2)(b)

§ 87(2)(g)

Allegation F: An Officer damaged § 87(2)(b)'s property.

Allegation G: Police Officer Dorian Thompson spoke obscenely and/or rudely to § 87(2)(b)

§ 87(2)(b) alleged that an officer obtained his ID and when it was returned to him, it was broken in half. § 87(2)(b) did not witness which officer did this, but confirmed that his ID card was in one piece when he furnished it to the officers. The officers did not recall obtaining § 87(2)(b) ID. § 87(2)(b) stated that when he saw § 87(2)(b) ID subsequent to the incident, it was broken into four pieces. § 87(2)(g)

Neither § 87(2)(b) nor § 87(2)(b) actually saw an officer break the ID card and only saw the end result. § 87(2)(g) § 87(2)(b) also alleged that at the conclusion of the incident, PO Thompson cursed at him and told him to “get the fuck back onto the elevator.” The officers denied that any profanities were used

towards § 87(2)(b) . § 87(2)(b) was present when § 87(2)(b) went onto the elevator and he never mentioned that an officer cursed at § 87(2)(b) . § 87(2)(b) never alleged the above two allegations during both his interviews with IAB § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: